

Message Text

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ORIGIN EA-14

INFO OCT-01 ADP-00 SS-15 L-03 NSC-10 CPR-02 SCA-01 EB-11

RS-01 PER-05 PM-07 CIAE-00 INR-10 NSAE-00 RSC-01

SCS-03 NSCE-00 PPT-02 VO-03 /089 R

DRAFTED BY EA/PRCM:ADROMBERG:CED

8/2/73 EXT. 22535

APPROVED BY D: MR. RUSH

EA/PRCM:OVARSTRONG

EA:AWHUMMEL, JR.

EA/EX:EECHAMPAGNE, JR. (DRFT)

S/CPR:HDAVIS (DRFT)

SCA:BWATSON (DRFT)

L/SCA:KEMALMBORG (DRFT)

EB/TT/MA:RBANK (DRFT)

DG/PER/CA:ABLOOD (DRFT)

OPR/FADRC/DR-A:FFILLIUS (DRAFT)

WH:MR. SOLOMON

S/S-MR. GAMMON

----- 002150

R 031751Z AUG 73

FM SECSTATE WASHDC

TO USLO PEKING

C O N F I D E N T I A L STATE 153107

E.O. 11652: GDS

TAGS: CGEN, PFOR, CH

SUBJECT: US-PRC CONSULAR RELATIONS

REF: A) PEKING 576

B) STATE 135443

C) PEKING 333

D) STATE 97490

1. USE OF TERM "CONSULAR OFFICER" IN PROPOSED EXCHANGE
ALSO UNIQUE TO USG, BUT IT APPEARED TO MEET CHINESE
REQUIREMENTS AS YOU EXPLAINED THEM (I.E. AVOIDANCE OF
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USE OF TITLES AND RANKS) AND STILL WAS SUFFICIENT TO

MEET BASIC US LEGAL REQUIREMENTS AS SPELLED OUT REF B.

2. WE HAVE NO OBJECTION TO USE OF PHRASE "WILL ASSUME THE FUNCTIONS OF A CONSUL" ALTHOUGH IT STRIKES US THAT THIS USE OF A CONSULAR TITLE, HOWEVER INDIRECT, MAY STILL OFFEND CHINESE SENSIBILITIES AS EXPLAINED IN REF C. WE BELIEVE THE PHRASE "PERFORM CONSULAR FUNCTIONS" WOULD AVOID THAT AND IN TEXT BELOW HAVE ADOPTED THAT FORMULATION.

3. SUGGESTED TEXT OF NOTE IN PARA 7 OF REF A DOES NOT MEET REQUIREMENT OF DEFINING CONSULAR DISTRICT AND RE-DRAFT BELOW HAS BEEN AMENDED TO INCLUDE THAT FACTOR.

4. WE AGREE THAT WRITTEN CHINESE ACKNOWLEDGMENT OF RECEIPT OF NOTE (RATHER THAN SUBSTANTIVE REPLY) WILL BE SUFFICIENT TO MEET REQUIREMENTS REGARDING RECOGNITION BY HOST COUNTRY. WE WILL ADOPT THE SAME PROCEDURE IN WASHINGTON.

5. WE DO NOT INTEND TO LIST CONSULAR FUNCTIONS IN PASSPORTS OF USLO OFFICERS.

6. THE NOTE TO BE PRESENTED UPON APPOINTMENT OF A CONSULAR OFFICER WOULD READ AS FOLLOWS:
BEGIN TEXT. DATE. THE LIAISON OFFICE OF THE UNITED STATES OF AMERICA AT PEKING PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS OF THE PEOPLE'S REPUBLIC OF CHINA AND HAS THE HONOR TO INFORM THE MINISTRY THAT (NAME), AN OFFICIAL OF THE LIAISON OFFICE, HAS BEEN APPOINTED TO PERFORM CONSULAR FUNCTIONS FOR THE UNITED STATES OF AMERICA IN THE PEOPLE'S REPUBLIC OF CHINA IN ADDITION TO HIS OTHER DUTIES. (NAME), ALSO AN OFFICIAL OF THE LIAISON OFFICE, HAS BEEN APPOINTED HIS ALTERNATE. THE LIAISON OFFICE OF THE UNITED STATES OF AMERICA AVAILS ITSELF OF THIS OPPORTUNITY TO EXPRESS TO THE MINISTRY OF FOREIGN AFFAIRS THE ASSURANCES OF ITS HIGHEST CONSIDERATION. PEKING.INITIALS. ETC.
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7. THE REPHRASING OF THE MEMORANDUM ON FUNCTIONS WHICH YOU HAVE GIVEN IN PARA 9 OF REF A REFERS ONLY TO FUNCTIONS OF USLO OFFICERS AND NOT TO PRCLC OFFICERS. THE ORIGINAL DRAFT WAS DESIGNED TO BE "NEUTRAL" IN THIS REGARD AND WE DESIRE THAT IT REMAIN SO. WE ALSO WISH TO RETAIN ORIGINAL LANGUAGE ON "DECLARATION OF CITIZENSHIP" AND "TRADITIONAL CONSULAR FUNCTIONS IN COMMERCIAL

MATTERS."

8. REGARDING SPELLING OUT WHAT "PROTECTION OF CITIZENS" MEANS, WE AGREE THAT IT WOULD NOT/NOT BE PRODUCTIVE TO GET INTO A DISPUTE WITH THE CHINESE AT THIS STAGE. HOWEVER, IT IS PRECISELY BECAUSE OF THE CHINESE HANDLING OF BRITISH AND YUGOSLAV REQUESTS TO RENDER ASSISTANCE TO CITIZENS DETAINED BY THE PRC THAT WE BELIEVE IT IS IMPORTANT AT LEAST TO EXPLAIN OUR UNDERSTANDING OF RIGHTS UNDER THE CLAUSE ON "PROTECTION OF CITIZENS" SO THAT WE WILL HAVE A FIRMER BASIS THAN "STANDARD INTERNATIONAL PRACTICE" TO CITE IN CASE OF NEED. ACCORDINGLY, WHILE WE ACCEPT USLO'S PROPOSAL TO DROP THE PARENTHETICAL PHRASE IN THE MEMORANDUM DETAILING RIGHTS UNDER "PROTECTION OF CITIZENS," USLO SHOULD MAKE AN ORAL EXPLANATION OF THOSE RIGHTS AT THE

TIME THE DRAFT MEMORANDUM IS DISCUSSED AND WHEN IT IS FORMALLY PRESENTED. THAT EXPLANATION SHOULD INCLUDE REFERENCE TO THE RIGHT TO VISIT, ATTEND LEGAL PROCEEDINGS AFFECTING AND RENDER ASSISTANCE TO ANY CITIZEN DETAINED BY AUTHORITIES OF THE HOST GOVERNMENT.

9. THE MEMORANDUM WOULD THUS READ:

BEGIN TEXT. IT IS THE UNDERSTANDING OF THE UNITED STATES OF AMERICA THAT ON THE BASIS OF RECIPROCITY THE DUTIES OF OFFICIALS OF THE LIAISON OFFICE OF THE UNITED STATES OF AMERICA IN PEKING ASSIGNED TO PERFORM CONSULAR FUNCTIONS IN THE PEOPLE'S REPUBLIC OF CHINA AND OF OFFICIALS OF THE LIAISON OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA IN WASHINGTON ASSIGNED TO PERFORM CONSULAR FUNCTIONS IN THE UNITED STATES OF AMERICA
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WOULD ENCOMPASS THE FUNCTIONS NORMALLY CARRIED OUT BY SUCH OFFICERS IN INTERNATIONAL PRACTICE. THESE WOULD INCLUDE, BUT NOT BE LIMITED TO, NOTARIAL SERVICES, PROTECTION OF CITIZENS, ISSUANCE OF VISAS, PROCESSING NORMAL CITIZENSHIP MATTERS (INCLUDING REGISTRATION OF BIRTHS, DECLARATION OF CITIZENSHIP, AND ISSUANCE OF PASSPORTS) AND TRADITIONAL CONSULAR FUNCTIONS IN COMMERCIAL SHIPPING MATTERS. END TEXT.

10. FYI: WE ARE STUDYING HOW CONSULAR DISTRICTS WILL BE DESCRIBED IN THE FOREIGN AFFAIRS MANUAL AND WILL INFORM YOU WHEN A DECISION IN THAT REGARD HAS BEEN MADE.

11. REQUEST YOU PRESENT DRAFT NOTE AND MEMORANDUM TO

MFA, ADDING COMMENTS AS APPROPRIATE FROM PARAS 1, 2,
3, 7 AND 8 OF REF B.

12. AS YOUR REPORT ON PRESENTATION TO THE FOREIGN
MINISTRY AND THEIR RESPONSE WILL BECOME AN IMPORTANT
DOCUMENT IN DEVELOPING RECORD OF NEGOTIATING HISTORY
FOR FUTURE REFERENCE, REQUEST YOU REPORT IN AS MUCH
DETAIL AS POSSIBLE.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 03 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE153107
Document Source: CORE
Document Unique ID: 00
Drafter: ADROMBERG:CED
Enclosure: n/a
Executive Order: GS RUSH
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730858/aaaabquu.tel
Line Count: 178
Locator: TEXT ON-LINE
Office: ORIGIN EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 73 PEKING 576
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 30 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <30-Jan-2002 by martinjw>; APPROVED <27 FEB 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US-PRC CONSULAR RELATIONS
TAGS: CGEN, PFOR, CH
To: PEKING
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005